



State of California
Edmund G. Brown Jr., Governor

IMPORTANT NOTICE REGARDING NEW INFORMED CONSENT REQUIREMENTS

Dear Licensees:

Please be advised that the Board of Chiropractic Examiners (BCE) recently adopted informed consent requirements, which becomes effective October 7, 2011. California Code of Regulations, Title 16, Div. 4, Article 2, Section 319.1 provides that:

Informed Consent:

(a) A licensed doctor of chiropractic shall verbally and in writing inform each patient of the material risks of proposed care. "Material" shall be defined as a procedure inherently involving known risk of serious bodily harm. The chiropractor shall obtain the patient's written informed consent prior to initiating clinical care. The signed written consent shall become part of the patient's record.

(b) A violation of this section constitutes unprofessional conduct and may subject the licensee to disciplinary action.

NOTE: Authority cited: Sections 1000-4(b), and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii). Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii).

In summary, section 319.1:

- Requires all licensees to inform each patient, verbally and in writing, of the material risks of proposed care.
- Defines "material" as a procedure inherently involving known risk of serious bodily harm.
- Requires the licensee to obtain the patient's written informed consent prior to initiating clinical care.
- Provides that the signed written consent shall become part of the patient's record.
- Specifies that a violation of the above requirements constitutes unprofessional conduct and may subject the licensee to disciplinary action

Although the regulation does not specify the manner in which written notice shall be provided to patients, you may wish to use a standardized "consent to treat" form in your practice. If you do not already use a consent to treat form and need assistance with obtaining or drafting one, you may wish to consult an attorney or contact your chiropractic malpractice insurance carrier. Chiropractic colleges and associations may also be able to provide you with samples and information for developing a consent to treat form.

Sincerely,

Fred Lerner, D.C., Chair

Robert Puleo, Executive Officer

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